IN THE SUPREME COURT OF AZAD JAMMU AND KASHMIR

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE KHAWAJA MUHAMMAD NASIM
MR. JUSTICE RAZA ALI KHAN

CIVIL APPEAL NOS. 342, 343, 344 & 345 OF 2024

(Against the judgments, dated April 25, 2024 & June 24, 2024, passed by the High Court in Writ Petitions No. 2046 & 1702 of 2019)

AJ&K Public Service Commission
(Civil Appeal No. 342 of 2024)
Muhammad Naveed
(Civil Appeal No. 343 of 2024)
Muhammad Zaid Qureshi & others
(Civil Appeal No. 344 of 2024)
AJ&K Public Service Commission
(Civil Appeal No. 345 of 2024)

… Appellant(s)

VERSUS

Zulqarnain Haider & others
(Civil Appeal No. 342 of 2024)
Bashir Ahmed Chaudhary & others
(Civil Appeal No. 343 of 2024)
Zulqarnain Haider & others
(Civil Appeal No. 344 of 2024)
Bashir Ahmed Chaudhary & others
(Civil Appeal No. 345 of 2024)

… Respondents

Appearances:

For AJ&K PSC:	Miss Alia Abdul Rehman, Advocate.
For Muhammad Naveed:	Mr. Saqib Javed, Advocate.
For M. Zaid Qureshi & others:	Mr. Shahid Ali Awan, Advocate.
For the respondents: (*in all the appeals*)	Mr. Amjad Hameed Siddiqui, Advocate.
For Higher Education Department:	Mr. Saqib Zaman Chughtai, Legal Advisor.
Date of hearing:	28.04.2025.

JUDGMENT:

Raza Ali Khan, J:- Through the instant judgment, all the titled appeals are being disposed of, as they involve common questions of law and fact. Appeals Nos. 343 and 345 of 2024 have been filed against the consolidated judgment dated April 25, 2024, delivered by the High Court in Writ Petition No. 2046/2019, while Appeals Nos. 342 and 344 of 2024 challenge another consolidated judgment dated June 24, 2024, rendered in Writ Petition No. 1702/2019.

2. The genesis of the instant appeals lies in the grievance of the respondents, all of whom are first-class State Subjects of Azad Jammu and Kashmir, holding academic qualifications of Master of Business Administration (MBA), who invoked the constitutional jurisdiction of the High Court by instituting writ petitions

against the action of the Azad Jammu and Kashmir Public Service Commission (PSC). Vide consolidated Advertisement No. 2/2019 dated March 15, 2019, the PSC solicited applications for multiple teaching positions, inter alia, three posts of Assistant Professor Commerce (BPS-18) and eleven posts of Lecturer Commerce (BPS-17), for which the respondents, claiming eligibility, duly submitted their applications and participated in the competitive selection process, including written examinations conducted by the Commission. It is an undisputed factum that the respondents successfully cleared the written examinations conducted for their respective posts; however, the Commission, rather than progressing to the next stage of the selection process i.e. interviews, issued letters dated November 25, 2019 (*for Assistant Professors*) and October 10, 2019 (*for Lecturers*), thereby declaring the respondents ineligible on the premise that their MBA degrees were allegedly not equivalent to M.Com. degree, which the Commission deemed to be the requisite qualification for the advertised posts. Challenging this determination, the respondents contended that their MBA degrees, both in content and academic rigour, were substantially equivalent to the M.Com. degree, and argued that the PSC's action was arbitrary, discriminatory, and violative of the settled principles of natural justice, particularly *audi alteram partem*, as no opportunity of hearing was afforded prior to disqualification. They further asserted that the impugned disqualification lacked legal sanctity, was devoid of any lawful justification, and amounted to an unjust exclusion from the recruitment process despite meritorious performance in the written

examination. Consequently, the respondents prayed for the impugned letters to be set aside and for a direction to the PSC to permit their participation in the interview stage, maintaining that merit must prevail, and that public employment cannot be denied on the basis of an erroneous interpretation of academic equivalence.

3. The writ petitions were duly contested by the appellants through written statements, wherein the eligibility of the respondents was categorically denied, with a specific assertion that the academic qualifications held by the respondents did not conform to the criteria prescribed under the applicable recruitment rules, and that the Public Service Commission had acted strictly *ex lege*, adhering to the statutory framework governing the selection process. Upon affording full opportunity of hearing to the respective learned counsel and after meticulous appraisal of the pleadings and the documentary evidence placed on record, the High Court, through separate but cognate judgments dated April 25, 2024, and June 24, 2024, proceeded to accept the writ petitions, holding the impugned letters of disqualification to be illegal, devoid of lawful authority, and in derogation of the principles of fair recruitment, consequently directing that the respondents be allowed to participate in the ensuing interview process in continuation of the already initiated competitive examination.

4. M/s. Shahid Ali Awan and Saqib Javed, learned counsel for the appellants in Appeal Nos. 343 and 344, assailed the impugned judgments on the grounds of misapplication of statutory rules and lack of judicial reasoning. They argued that the High Court erroneously

applied general service rules without recognizing that the post of Lecturer in Business Administration is governed by distinct qualifications. Referring to *verba legis non est recedendum*, the counsel maintained that the rules' plain language must prevail, and the High Court's interpretive deviation was unwarranted. They further contended that the Court improperly relied on documents, including HEC equivalence certificates, which were not submitted during the recruitment process, thereby violating established principles of record-based adjudication. The counsel emphasized that MBA and M.Com are academically distinct, a fact reaffirmed by the HEC's 2014 clarification, and the High Court's conflation of the two compromised both merit and institutional autonomy. Citing *2021 SCR 550*, they argued that selection bodies must strictly follow eligibility criteria. Concluding, they prayed for setting aside the impugned judgments as legally unsustainable and detrimental to the integrity of the recruitment process.

5. Ms. Aliya Abdul Rehman, Legal Advisor for the Public Service Commission (PSC), contended that the post of Lecturer Commerce (BPS-17) was advertised in line with the AJ&K Education Services Rules, 2001, which specifically require an M.Com or an officially recognized equivalent. She argued that the respondents' reliance on MBA degrees, without valid equivalence certificates from the Higher Education Commission (HEC), contravened Condition No. 15 of the advertisement. The omission to furnish these certificates at the relevant time was overlooked by the High Court, rendering its relief unjustified. She further submitted that, under PSC's policy dated December 15, 2014,

applicants were conditionally allowed to sit for exams, subject to document verification, and are estopped from contesting the consequences of non-compliance. The High Court's reliance on *Bashir Ahmed Ch. v. AJKPSC* was also termed misplaced, as it pertained to a different post with separate criteria and is currently sub judice. It was thus urged that the impugned judgment be set aside for legal and factual infirmities.

6. Mr. Saqib Zaman Chughtai, Legal Advisor for the Higher Education Department, submitted that the post of Assistant Professor (Commerce) BPS-18, as advertised, required an M.Com (Second Division) along with seven years of teaching experience under the applicable rules. He stated that the respondents, holding MBA degrees, were rightly disqualified by the Public Service Commission (PSC), as an MBA is not recognized as equivalent to M.Com. He contended that the High Court, in allowing the writ petitions, erroneously equated the two degrees despite the rules making no provision for equivalency. Relying on the principle of *expressio unius est exclusio alterius*, he argued that where commerce is specifically mentioned, inclusion of other degrees like MBA is not permissible. He thus concluded that the respondents' claim was without legal merit and that the High Court's judgment should be set aside.

7. Mr. Amjad Hameed Siddiqui, learned counsel for the respondents, argued that since no specific recruitment rules exist for Lecturer Commerce (BPS-17), the general Education Services Rules, 2001, apply, which require an M.A. (Second Division) in the relevant subject. He

maintained that MBA degree holders meet this requirement, given the close relation of their qualification to commerce. He cited prior appointments, such as Muhammad Bashir Chaudhary in 2012, based on MBA degrees to demonstrate an established practice now arbitrarily reversed by the PSC. He contended that the sudden exclusion of MBA holders, absent any change in rules or departmental requisition, was a colorable exercise of power violating administrative fairness and constitutional rights. The counsel highlighted that MBA degrees are accepted for similar posts in Punjab and KPK, and referenced prior judgments recognizing MBA as equal or superior to M.Com for teaching. He concluded that the High Court's judgment was based on sound legal footing and required no interference.

8. We have heard the counsel for the respective parties and carefully examined the record of the case placed before us. The crux of the dispute pertains to whether M.Com degree is equivalent to MBA degree, and whether candidates holding an MBA degree are qualified for the posts in question. The record reveals that the Public Service Commission (PSC) has unequivocally asserted in its correspondence that respondents possessing an MBA are deemed unqualified for the said posts. However, the High Court, in the exercise of its writ jurisdiction, accepted the respondents' version primarily based on a letter dated 30.10.1983, which, according to the High Court, confirmed that the master's degree in business administration is of the same level as M.Com, thereby treating both as equivalent. The appellants, aggrieved by the High Court's judgment, challenge its legality, contending that the High

Court's decision is flawed, as it misinterpreted the contents of the aforementioned letter, wherein it was explicitly stated that while both degrees may be of the same academic level, the fields of study are distinct, and employers retain the discretion to determine the suitability of candidates. This case is the first of its kind to come before this Court, and since no prior judgment has been rendered on this issue, it is imperative to resolve this controversy once and for all, thereby bringing clarity and finality to the matter.

9. The High Court, through the impugned judgment, has suo motu equated a Master's degree in Business Administration with M.Com, thereby transgressing the settled limits of its jurisdiction. It is a trite principle that the Court, while exercising constitutional jurisdiction, cannot usurp the functions of the regulatory or appointing bodies nor delve into matters requiring technical expertise or academic evaluation. The assessment of the relevance or equivalence of academic qualifications squarely falls within the exclusive domain of the competent authorities duly vested with such mandate. Judicial review is confined to examining whether the action of the authority suffers from arbitrariness, discrimination, mala fides, or is otherwise in derogation of law. Absent such infirmities, the substitution of the Court's opinion for that of the expert or regulatory body amounts to an impermissible encroachment upon administrative discretion. Accordingly, the impugned judgment, rendered without lawful justification and in derogation of binding precedents, is untenable in law and liable to be set aside.

10. The Public Service Commission (PSC) has taken the categorical position that the prescribed qualification for the advertised post is a Master's degree in the relevant subject, specifically defined as M.Com in the case of commerce. Consequently, candidates holding an MBA degree do not fall within the eligibility criteria. The Higher Education Department, through its Legal Advisor, has also placed on record its stance that the relevant qualification for both advertised posts is M.Com, not MBA. In support of this position, reference has been made to a communication dated February 27, 2008, wherein the Higher Education Commission (HEC) acknowledged that, although MBA and M.Com may overlap in certain curricular components, the degrees differ markedly in academic structure, scope, and intended outcomes, and are therefore not interchangeable. We are of the considered view that the HEC, under the HEC Ordinance, is entrusted with the authority to determine academic equivalence between educational qualifications. However, such equivalence is limited strictly to academic or educational comparison and does not empower the HEC to declare any degree as functionally or professionally interchangeable with another for the purposes of recruitment or promotion. The scope of equivalence, as declared by HEC, cannot be stretched to mandate that qualifications declared as equivalent for academic purposes must also be treated as interchangeable in the employment domain. Likewise, the PSC, being an examining and recommending body, has no jurisdiction to override or determine the recruitment criteria or eligibility standards, which remain a policy prerogative of the employer. The employer retains unfettered discretion, subject to law, to

stipulate qualifications, competencies, and professional standards required for a particular post. While guidance may be drawn from the equivalence certificates or academic opinions issued by HEC, such documents have no binding legal effect on the employer's recruitment policy. In this context, reliance is placed on the judgment rendered in *Province of Khyber Pakhtunkhwa v. Farasatullah and others*[1], wherein it was categorically held that the powers conferred upon HEC are confined to academic evaluations and cannot be extended to employment-related determinations. For ease of reference, the relevant portion of the said judgment is reproduced hereunder:

> "We are at a loss to understand how and under what authority of law has the Higher Education Commission advised that all those who hold M.Phil or MS degrees should be eligible to draw Higher Education commission allowance @ Rs.2500/- per month. There is neither power nor authority under the Higher Education Ordinance to issue any such letter or clarification as the mandate of Higher Education Commission is limited only to academic matters and determining equivalence for academic reasons."

In a comprehensive and landmark judgment reported as *Waqas Aslam & others v. Lahore Electric Supply Company Limited & others*[2], the Supreme Court of Pakistan unequivocally held that the judiciary has no mandate to assess, review, or determine the equivalence or comparative value of academic qualifications for the purposes of employment. It was further emphasized that such determinations fall exclusively within the policy

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[1] [2020 PLC (C.S) 1423]
[2] (2023 SCMR 549)

domain of the employing institution, and the Courts must refrain from assuming the functions of a Human Resource Department or interfering in technical matters that require institutional or subject-matter expertise. The relevant excerpt from the judgment is reproduced hereunder for better appreciation:

> "6. It is also important to note that in the absence of any such stipulation in the advertisement or the recruitment policy of the respondent company, it is not possible for the Court to draw an inference that a higher qualification presupposes the acquisition of a lower qualification or that a candidate having a higher qualification is better suited for the post as opposed to a candidate possessing the requisite qualification that has been expressly prescribed in the advertisement according to the nature of the post and the requirement of the employer7 . As stated above, it is not for the Court to examine the qualification and eligibility in a recruitment process. The Court, at best, can look into the legality of the recruitment process but cannot delve deeper into the design and need of the employing institution or second guess their selection criteria and job requirement. It is also not open to the Courts to embark upon comparing various degrees held by the applicants with the advertised qualifications and carry out the function of an employer by carrying out the comparison of the said qualifications. The power of judicial review by the Courts cannot be extended to determine equivalence or comparison of academic qualifications for a post or assume the role of a human resource department of an employing institution. It is a specific expert area and can be best resolved by the institution itself according to the suitability and requirements of a certain post as designed and desired by the employer. It is an area for which the Courts are not best suited8 . Therefore, there is no force in the contention that since the petitioners possess a higher qualification than what has been

advertised, they are to be necessarily considered eligible for the post.

11. In light of the settled position that neither the Courts, the Public Service Commission, nor the Higher Education Commission is vested with the authority to determine the equivalence or distinction of academic qualifications for employment purposes, it stands established that such prerogative lies exclusively with the employer or the relevant appointing authority. In order to ascertain the institutional stance, the Department of Higher Education was directed to furnish its considered position on the matter. Pursuant thereto, the Legal Advisor of the Higher Education Department submitted written arguments, unequivocally affirming that the degrees of MBA and M.Com are distinct in nature, and that holders of an MBA degree do not fulfill the eligibility criteria prescribed for the posts in question. In view of this authoritative clarification, the stance of the Department of Higher Education prevails and is to be accorded due weight. Moreover, this Court, having undertaken an independent and comprehensive analysis of the structural, curricular, and professional distinctions between the MBA and M.Com degrees, finds itself in agreement with the view advanced by the Education Department, the particulars of which shall be elaborated in the subsequent paragraphs.

12. According to our research, the academic distinction between M.Com and MBA holds considerable weight, particularly when assessing qualifications for faculty positions in higher education institutions. While both degrees are rooted in the fields of business and commerce, their orientations, curricula, and professional applications

diverge significantly. The M.Com is an academic postgraduate qualification centered on the theoretical and specialized study of commerce, finance, accounting, economics, and related disciplines. It provides in-depth knowledge in areas such as advanced accounting, taxation, business law, corporate finance, banking, and statistical methods, with a primary focus on academic inquiry and research. The M.Com is designed for individuals who aspire to pursue careers in academia, research, or further advanced studies, such as M.Phil or Ph.D. in commerce-related fields. The course structure emphasizes the development of a robust understanding of fundamental principles and theories in commerce, preparing students for roles that involve teaching, research, policy-making, and specialized professional practices like accountancy and financial regulation.

13. In contrast, MBA is a professional postgraduate qualification characterized by a multidisciplinary orientation aimed at preparing students for leadership and management roles in diverse industries. Unlike the M.Com, which is academic in nature, the MBA is predominantly application-based and industry-focused, designed to develop practical managerial and entrepreneurial skills. The MBA curriculum typically covers subjects such as human resource management, operations, business strategy, organizational behavior, marketing, and decision-making processes, all of which are essential for effectively managing and leading business enterprises. It emphasizes the acquisition of strategic, operational, and leadership competencies that are crucial for responding to dynamic market demands and organizational challenges. While the

MBA does touch upon certain areas that overlap with commerce, such as finance and economics, the overarching approach remains focused on pragmatic and strategic business solutions. As such, the MBA is regarded as a terminal professional degree, best suited for individuals pursuing corporate careers, executive positions, or entrepreneurial ventures, rather than academic or research-oriented roles. Consequently, the MBA is aligned with industry needs, offering graduates the necessary expertise to thrive in competitive business environments.

14. This table outlines the key differences between the Master of Commerce (M.Com) and Master of Business Administration (MBA) degrees, emphasizing their unique academic focuses and professional trajectories:

Aspect	M.Com	MBA
Focus	In-depth study of commerce, accounting, and finance	Broad study of business and management
Curriculum	Emphasizes theoretical aspects and academic research	Emphasizes practical applications and case studies
Specializations	Taxation, auditing, financial analysis	Finance, marketing, human resources, operations
Career Paths	Accountant, auditor, financial analyst, academic roles	Business analyst, marketing manager, operations manager, entrepreneur
Eligibility	Bachelor's degree in commerce or a related field	Bachelor's degree in any field; entrance exams like CAT, MAT

The structural, pedagogical, and philosophical distinctions between the M.Com and MBA underscore that, while both degrees intersect with business and finance, they cater to divergent professional trajectories. The M.Com decree, by its very nature, is an academic qualification that emphasizes theoretical knowledge, research methodologies, and specialized subjects in

commerce, making it well-suited for individuals aspiring to teach, conduct research, or further their academic pursuits. This aligns with the hiring requirements of educational institutions seeking faculty members for teaching commerce-related subjects. In contrast, the MBA is a professional degree focused on developing practical managerial, operational, and strategic skills aimed at individuals seeking to enter or progress within corporate management or industry-specific roles. It does not traditionally provide the theoretical or research-based foundation that is expected of educators in commerce faculties. Thus, while both programs may overlap in certain subjects like finance or economics, their overarching aims and career paths are fundamentally different.

15. This position has been judicially affirmed in the judgment rendered by the Rajasthan High Court in *Ity Patni v. University of Rajasthan*[3], wherein the petitioner, holding an MBA degree, applied for the post of Assistant Professor in the Department of Business Administration within the Faculty of Commerce. The University of Rajasthan, however, rejected her application on the grounds that she did not possess an M.Com in Business Administration, as stipulated by the eligibility criteria. The petitioner argued that her MBA qualification should be considered equivalent and that she was unjustly disqualified. After thorough examination of the nature and objectives of both degrees, the High Court upheld the university's decision. The Court observed that the M.Com degree is an academic qualification primarily oriented towards the field of

[3] 2019 SCC OnLine Raj 2416, (https://indiankanoon.org/doc/95482251/)

commerce and is well-suited for teaching positions in that domain. In contrast, the MBA is a professional qualification designed to equip individuals with managerial skills for leadership roles in industry and business. The Court concluded that the university had not acted unlawfully in excluding MBA holders from consideration for teaching positions within the commerce faculty, and found the distinction made by the institution to be both reasonable and legally sound.

Similarly, another judgment in *Dhanya Babu V. v. University of Calicut*[4], was delivered by the Kerala High Court on August 19, 2016, wherein, the Court addressed the issue of equivalency between degrees obtained from different universities. The petitioner, holding an M.Com degree from Indira Gandhi National Open University (IGNOU) and an MBA degree, sought equivalency recognition from the University of Calicut. The University denied equivalency on the grounds that the petitioner's undergraduate degree was in B.Sc Physics, which did not meet the eligibility criteria for M.Com admission as per the University's regulations.

16. The ratio established in the aforementioned cases unequivocally supports the position that the MBA and M.Com are distinct degrees, each serving a specific academic and professional purpose. While the MBA is indeed a prestigious qualification, it does not serve as a substitute for the academic and research-oriented training

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[4] W.P.(C) No. 25511 of 2015, (https://www.casemine.com/judgement/in/57c9f121bc416804f9c695e8)

provided by the M.Com degree, particularly in the context of teaching commerce-related subjects.

17. In light of the above, it is our considered view that, with respect to appointments to the posts in question, the M.Com degree constitutes the more pertinent qualification. While the MBA is undeniably related to the broader field of business studies, it does not possess the academic depth, theoretical foundation, or research orientation that are integral to the M.Com program. The fundamental purpose of a faculty appointment is not solely to possess general knowledge of the business environment, but rather to provide structured and systematic academic instruction in the field of commerce. This is precisely what the M.Com curriculum is designed to address, focusing on the theoretical and research-based aspects of the discipline. Therefore, where statutory or institutional requirements explicitly stipulate M.Com as the minimum eligibility for teaching positions in commerce, holders of other degrees, including the MBA, cannot claim equivalence or substitution. This distinction, both academic and legal, reaffirms that the two degrees are not substituted for teaching roles within commerce faculties. Any determination of eligibility must, accordingly, be made strictly in accordance with the qualifications prescribed by the relevant statutes or institutional policies.

18. There is no ambiguity in the Azad Jammu and Kashmir Education Service Class (1) Collegiate Branch (Men's) Section Rules, 2001. In fact, these rules are clear and unambiguous in relation to the posts in question. The criteria prescribed in these rules for the positions of

Lecturer Commerce (B-17) and Assistant Professor Commerce (B-18) are as follows:–

Sr. #	Name of the Department	Functional Unit	Name of post with grade	Appointing authority	Minimum qualification for appointment by	
					Initial recruitment or transfer	Promotion
1	2	3	4	5	6	7
7	Education	Collegiate Branch (Men)	Assistant Professor B-18	Minister In Charge	Ph.D in the relevant subject with 02 Teaching/research years experience in a college University or ii. M.Phil in the relevant subject from a recognized university with 05 years teaching experience in college/university or a iii. Master's degree 2nd class in relent subject from a recognized university with 07 years teaching experience in a college/university or Education administration/management	
8	Education	Collegiate Branch (Men)	Lecturer B-17	Minister In charge	Master's degree 2nd division in the relevant subject or an equivalent qualification provided that M.A English 3rd Division with diploma in English from Allama Iqbal Open University shall also be eligible for the post.	-do-

The qualifications prescribed for the posts of Lecturer (B-17) and Assistant Professor (B-18) in Commerce under the Rules, supra, are clear and specific. For Lecturer (B-17), a Master's degree (Second Division) in the relevant subject from a recognized university is required, while for Assistant Professor (B-18), eligibility is established through one of three routes: a Ph.D. in the relevant subject with two years' experience, an M.Phil. with five years' experience, or a Master's degree with seven years' experience. The term "relevant subject," in the context of Commerce, clearly refers to the M.Com degree, which provides in-depth theoretical and research-based training in core Commerce areas such as accounting,

taxation, finance, and business law. But, the MBA is a professional qualification focused on practical business management and lacks the academic depth necessary for teaching Commerce at the collegiate level. This distinction has been officially recognized in the letter dated February 27, 2008, confirming that the MBA and M.Com are not interchangeable. Hence, in light of the recruitment rules and academic relevance, only the M.Com qualifies as the appropriate credential for the posts in question.

19. Another contention raised by learned counsel for the respondents is that the MBA qualification is of higher academic status than the M.Com, and, therefore, if M.Com is deemed relevant for the post, the MBA degree, being allegedly superior, should also be considered sufficient to fulfill the same requirement. While this argument may appear appealing at first glance, it fails to withstand legal scrutiny. It is a well-established principle that recruitment to a specific post is not determined solely by the academic level or nomenclature of a degree, but rather by the relevance of the qualification to the subject matter and functional duties of the position. A higher qualification in a different or broader field cannot substitute for the specific qualification expressly prescribed for a post. The relevance of a qualification must be assessed in light of its curriculum, subject focus, and intended academic or professional outcomes, not merely by its perceived academic stature or market appeal. For instance, a candidate holding an M.Phil. in Sociology cannot claim eligibility for the post of Lecturer in Political Science on the grounds that an M.Phil. is a higher degree than an M.A. in Political Science. Similarly, an

individual with a Ph.D. in Environmental Science cannot seek appointment to a post requiring a Master's in Geology, even though the doctoral qualification is considered higher in academic hierarchy. The principle remains that a higher or broader qualification cannot be treated as a substitute for a specific qualification unless expressly authorized by the recruitment rules or recognized through a formal equivalence notification issued by the competent authority. The doctrine of "specificity over generality" is paramount in such cases, and academic equivalence must derive from statutory or regulatory recognition, not from subjective or individual interpretation. Therefore, the contention raised by the respondents, which attempts to elevate the MBA as a substitute for the M.Com, is fundamentally misconceived and is hereby repelled.

20. An issue of considerable judicial significance arises in the present matter, regarding the contention put forth by the respondents who, having duly applied for and participated in the written examination and interview for the positions in question, assert that their candidatures were wrongly rejected by PSC on the grounds of not possessing the requisite relevant qualifications. In response, the PSC has been called upon to explain its stance. The Commission, in its defense, referred to its policy dated December 15, 2012, wherein it was contended that due to an overwhelming workload and a shortage of staff, it is not feasible to conduct a thorough scrutiny of the academic credentials of all applicants prior to administering examinations. The PSC further emphasized that, given the large number of applicants, many of whom either fail to

qualify in the screening or do not participate in the selection process, document verification is carried out only at a later stage for those shortlisted. The PSC also highlighted that the call letters sent to the candidates explicitly stated that they were appearing in the examination at their own risk, without prior verification of their qualifications. Notwithstanding these justifications, we find the Commission's position to be untenable and lacking in both logic and administrative prudence. It is inherently illogical and more hectic task to conduct resource-intensive i.e. written examinations and interviews prior to basic document verification. Such a policy, as currently practiced by the PSC, appears not only counterproductive but also potentially unjust, especially considering the hardship it causes to many candidates, particularly those from remote and underdeveloped areas, who travel considerable distances to participate in the recruitment process. It is manifestly unfair to allow a candidate to progress through an entire process, fostering a legitimate expectation of appointment, only to subsequently disqualify them on grounds that could have been determined at the initial stage of scrutiny. In light of these considerations, we are compelled to conclude that the PSC’s needs to review its current policy and adopt a more transparent and efficient mechanism, thereby balancing the imperatives of administrative efficiency and public convenience, in furtherance of justice and fair play.

21. In light of the comprehensive discussion and careful examination of the matter, we are of the firm and considered opinion that the High Court, in its assessment,

failed to appreciate the entirety of the record in its true and proper perspective, thereby reaching a conclusion that, in our view, is erroneous and unsustainable. As such, while accepting all the appeals, both the judgments of the High Court dated April 25, 2024, and June 24, 2024, are hereby set aside. Consequently, the letters issued by the Public Service Commission (PSC) are hereby restored to their full effect. As the matter is sub-judice before the Courts since 2019, therefore, further proceedings shall be finalized within two months from the communication of this judgment.

JUDGE JUDGE

Muzaffarabad,
08.05.2025.